The background of the slide features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes create a dynamic, layered effect, particularly on the right side of the slide.

City of Brookfield's Comments on the Cooperative Boundary Plan between Town of Brookfield and City of New Berlin

March 31, 2002

The Proposed Plan

- ▶ Incomplete
- ▶ Fails to meet statutory criteria

Incomplete

- ▶ FUTURE LAND TRANSFERS §10
 - ▶ No details on which lands, when transfer will occur, or how it will occur
- ▶ SHARED SERVICES § 5
 - ▶ No shared services or elimination of duplicated services

Incomplete

Recovering “Capital Costs” for New Berlin \$5

Plan provides no money to New Berlin and
definition of “Capital Costs” excludes New
Berlin

SECTION 1: Definitions.

Capital Costs shall mean those capital expenditures of the **Town of Brookfield** made for the purpose of purchasing sanitary sewer treatment capacity, for the construction of sanitary sewer interceptors and mains, for the construction of water towers, municipal water mains and other infrastructure related to the operation and distribution of the Brookfield water system.

Cooperative Boundary Plan, p. 2, (emphasis added).

Incomplete

No written comments from either Waukesha County or Southeast Wisconsin Regional Planning Commission as required by Wis. Stat. §66.0307(4)(c), (d), and (f).

Wisconsin Cooperative Boundary Plan Approval Checklist

The checklist below is used to assess whether a Cooperative Plan submitted to the Department for its review under [s. 66.0307 Wis. Stats.](#) is complete and meets the statutory criteria. Municipal Boundary Review staff use it to determine whether to approve the proposed plan, recommend that it be resubmitted with changes, or deny it. To print out a checklist, or for more information on Cooperative Plans, see the Department's Cooperative Boundary Plan website at: doa.wi.gov/MunicipalBoundaryReview

Authorizing/Approving Resolutions

Present Not Present Not Applicable

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Town(s) Authorizing Resolution s. 66.0307(4)(a) Wis. Stats. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | City or Village(s) Authorizing Resolution s. 66.0307(4)(a) Wis. Stats. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Affidavit that authorizing resolutions were sent to DOA, DNR, DOT, DATCP, County Clerk, County Planning, RPC, and other jurisdictions within 5 miles such as municipalities, school districts, vocational districts, sewer or sanitary districts. s. 66.0307(4)(a) Wis. Stats. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Town(s) Approval Resolution s. 66.0307(4)(d) Wis. Stats. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | City/Village(s) Approval Resolution s. 66.0307(4)(d) Wis. Stats. |

Public Hearing

Present Not Present Not Applicable

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Evidence that class 3 notice was published s. 66.0307(4)(b) Wis. Stats. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Summary or transcript of public comments s. 66.0307(4)(c) Wis. Stats. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | List of any changes made in response to public comments s. 66.0307(4)(d) Wis. Stats. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Comment letters from the county and RPC s. 66.0307(4)(c) Wis. Stats. |

Extraordinary activities

Present Not Present Not Applicable

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Request for super-majority vote s. 66.0307(4)(d)2 Wis. Stats. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Request for advisory referendum s. 66.0307(4)(e) Wis. Stats. |

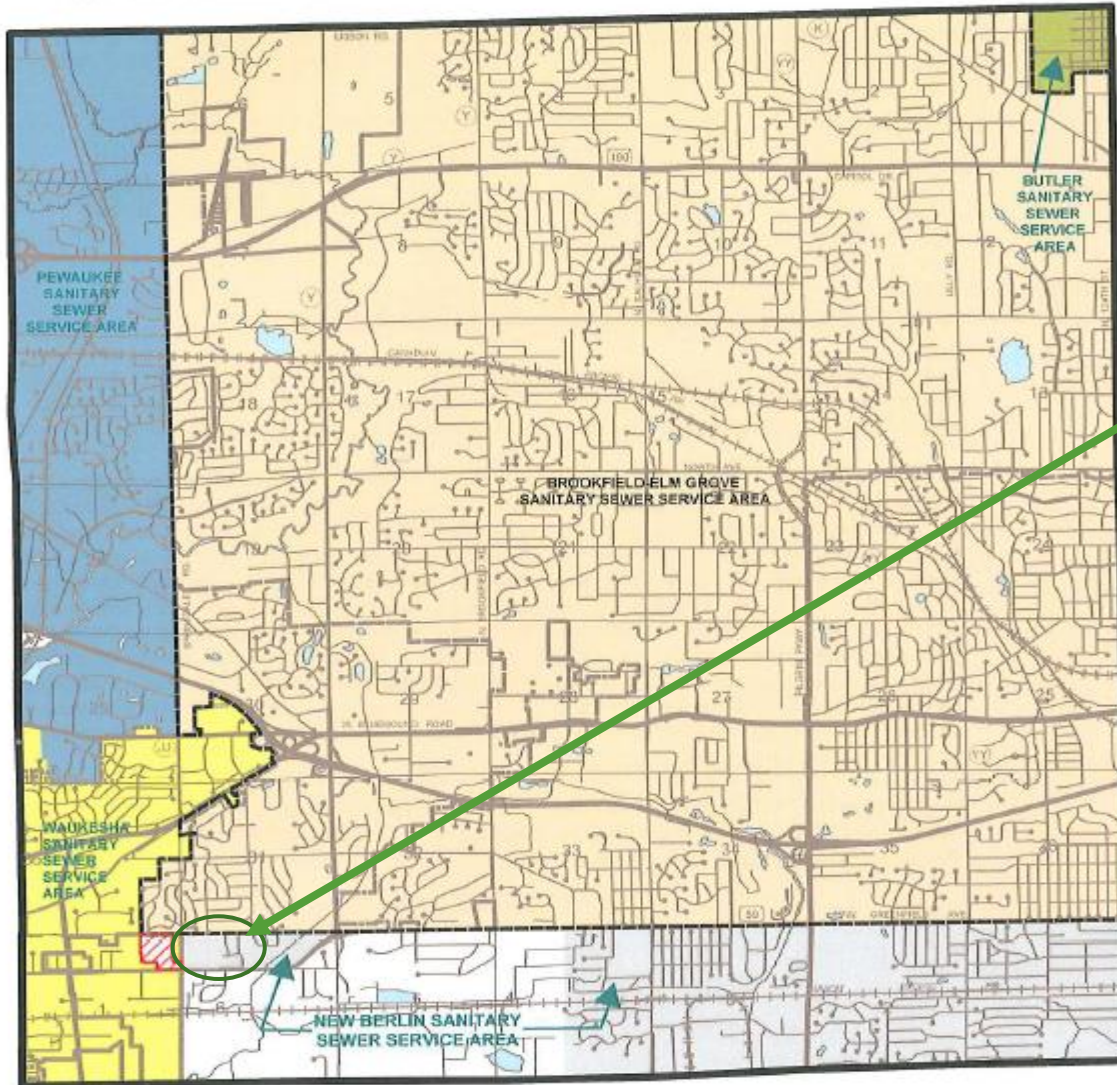
Non-compliant with statutes

- ▶ Fails to meet statutory requirements of Cooperative Boundary Plan statute, §66.0307(3)(d):
 - ▶ (3)(d) *Content of plan; boundaries and services.* The cooperative plan shall:
 - ▶ 5. Describe the services to be provided to the territory covered by the plan, identify the providers of those services and **indicate whether the provision of any service has received preliminary approval** of any relevant governmental regulatory authority.

Preliminary & Necessary Approvals

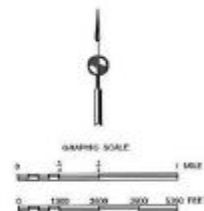
- ▶ Public Service Commission
- ▶ Department of Natural Resource/SEWRPC
- ▶ City of Brookfield
- ▶ Town of Brookfield Sanitary District #4
- ▶ Maybe: Milwaukee Metropolitan Sewerage District

PROPOSED AMENDMENT TO THE BROOKFIELD-ELM GROVE SANITARY SEWER SERVICE AREA



FUSA outside
of Brookfield
- Elm Grove
SSA 2008

 AREA TO BE TRANSFERRED FROM THE CITY OF WAUKESHA SANITARY SEWER SERVICE AREA TO THE BROOKFIELD-ELM GROVE SANITARY SEWER SERVICE AREA



§66.0307(3)(d): *Content of plan; boundaries and services.* The cooperative plan shall:

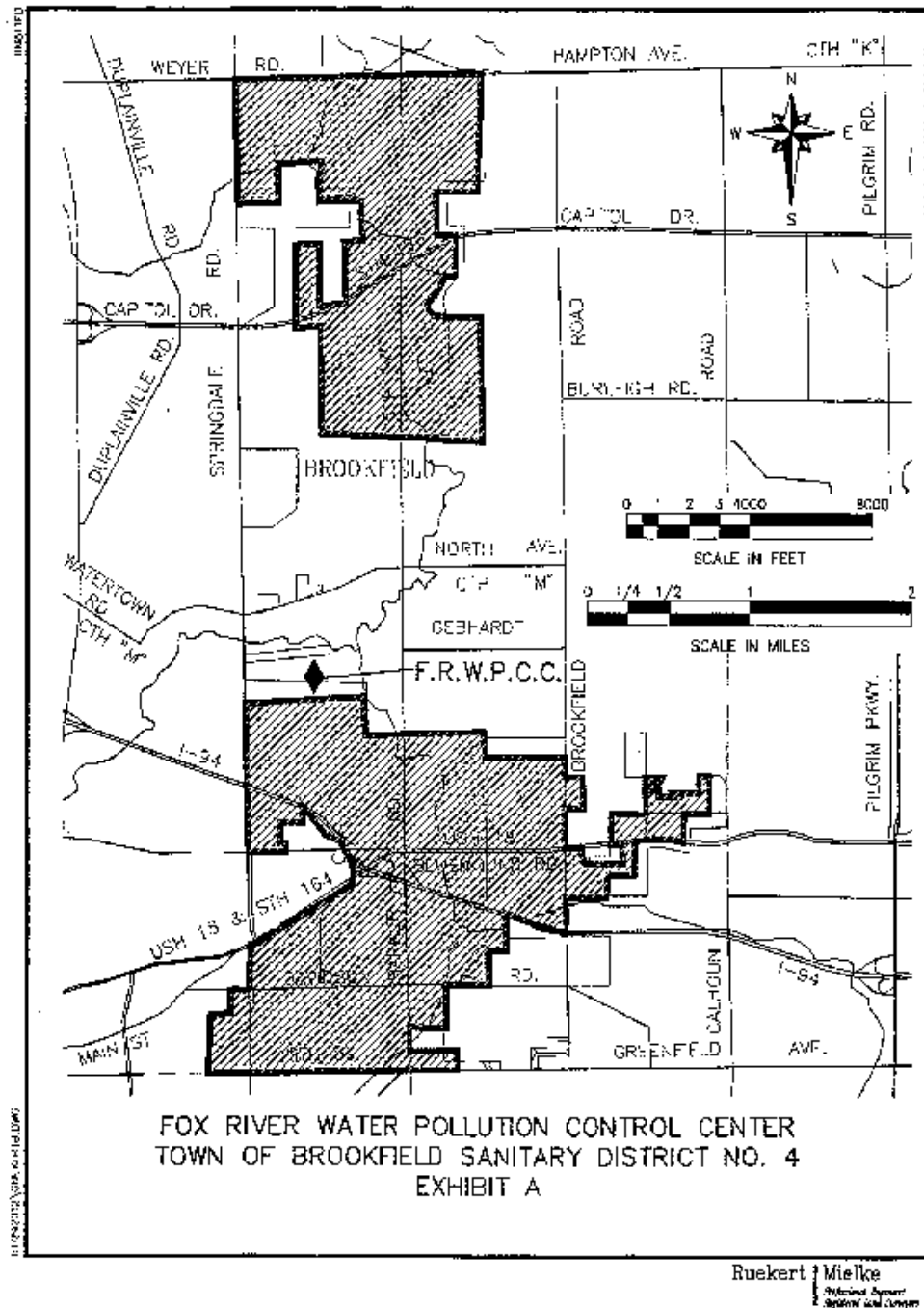
- ▶ 6. Include a schedule for delivery of the services described under subd. 5.
- ▶ 7. Include a statement explaining how provision under the plan for the delivery of necessary municipal services to the territory covered by the plan meets the approval criterion under sub. (5) (c) 3.
- ▶ **§66.0307(5)(c)3.** Adequate provision is made in the cooperative plan for the delivery of necessary municipal services to the territory covered by the plan.

Service from Sanitary District to City is not guaranteed

- ▶ Per Section 8.A. “Future Sanitary Sewer and Water Extension Area”:
 - ▶ Agreement with the City of Milwaukee may prevent service
 - ▶ WI DNR diversion permit may prevent service
 - ▶ Does City’s agreement with MMSD prevent service?

Adequate provision of service not established

- ▶ City of New Berlin is no longer a “contracting municipality” and has no right to send sewerage to Fox River Water Pollution Control Center
 - ▶ Town of Brookfield Sanitary District #4 is limited to service in its District by 1996 Agreement with City of Brookfield. “The District’s service area shall include those lands as described in Exhibit ‘A’”. §3.1
 - ▶ Need amendment to City of Brookfield -1996 Agreement or new agreement with City of New Berlin for treatment



► City of New Berlin is not in the Town of Brookfield Sanitary District #4 -

§3.1 - 1996 Intergovernmental Agreement with City of Brookfield.

Inadequate provision for sewerage treatment service

- ▶ No information about amount of sewerage treatment City of New Berlin will need - ? Gpd
- ▶ TBSD #4 is trying to also provide sewerage treatment to Town of Waukesha - 470,000 gpd
- ▶ No analysis about sewerage treatment capacity at plant for **BOTH** City of New Berlin and Town of Waukesha
 - ▶ Sewerage from Town of Waukesha was never factored into the plant facility capacity

Inconsistent with Comprehensive Plans

Town of Brookfield's

Town of Brookfield Comprehensive Plan is not specific enough nor contain the details required by Wis. Stats. §66.1001(2) to allow the Department to find consistency.

➤ Town's comprehensive plan says it should:

“If a municipality chooses to plan with Waukesha County two different outcomes will ensue as part of the planning process. First, a municipality may choose to adopt the plan document developed by the county as its own comprehensive plan **provided it has sufficient local detail**. Second, some municipalities **may require additional information to address in greater detail the land use issues** of that particular municipality. The plan document adopted by this municipality would include additional addenda.”

Town of Brookfield Comprehensive Plan, Ch. 9, p. 9-25 (emphasis added)
based on recommendation from Department of Administration 2002

Samples of Town Inconsistencies

- Town plan states that detailed plans should be made for mature neighborhoods that are showing signs of land use instability or deterioration. Ch.7, p. 34-35
 - Almost fully developed, but no plans in Town's Comprehensive Plan or in proposed Cooperative Boundary Plan
- §66.1001(2)(d) *Utilities and community facilities element*: requires information on the location and capacity of existing public utilities, in part, as well as forecast for expansion, rehabilitation and new utilities.
 - No information or details about the Town's existing utilities or expanding its services outside the District.

Inconsistent with Comprehensive Plans

City of New Berlin: examples

- ▶ Western half of City will not be provided with sewer or water
New Berlin 2020 Comprehensive Plan, Chapter 1, p.4
- ▶ No plans to provide public sewer if private onsite wastewater treatment systems fail only:
 - ▶ will “continue to work with Waukesha County” to ensure the POWTS do not become a nuisance and “work cooperatively” to take corrective action.
New Berlin 2020 Comprehensive Plan, Chapter 7, p. 38-39.
 - ▶ Comp. Plan is silent as to who City will work with cooperatively and who might be a source of sewerage treatment - could be MMSD, City of Brookfield or TBSD.

Inconsistent with Comprehensive Plans

Common Council Agenda (cont'd)
12/11/2018 7:00:00 PM

Page 4

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- AT&T Claim

RECONVENE TO OPEN SESSION - Discussion and Possible Action on items listed below

- Verizon Lease Extension
- MOU with the Town of Brookfield regarding the Poplar Creek Interceptor.
- Formulating a negotiation strategy for the potential acquisition of land in City Center.
- Ratification of the contract with NBPPA.

Department of Administration cannot send the cooperative plan back to allow the participants to make changes because it would take longer than 90 days for the Town of Brookfield to revise its comprehensive plan to include the detail and specifics required under Wis. Stats. §66.1001(2).